

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

**KENNETH WARREN GEBHARDT,**

**Plaintiff,**

**vs.**

**ANDREW SAUL, Commissioner of  
Social Security Administration,**

**Defendant.**

**NO.: CV-19-42-GF-BMM-JTJ**

**ORDER GRANTING  
PLAINTIFF'S APPLICATION  
FOR AWARD OF EAJA FEES**

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Plaintiff Kenneth Warren Gebhardt ("Gebhardt"), by and through his attorney, John E. Seidlitz, Jr., moves under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d), for attorney fees incurred in prosecuting his Social Security appeal. Gebhardt initially requested \$8,702.60 in fees. Defendant Commissioner of Social Security ("Commissioner") stipulated to a reduced fee of \$8,210.00.

Upon Plaintiff's Motion for Fees under the Equal Access to Justice Act, and for good cause showing:

**IT IS HEREBY ORDERED** that attorney fees in the amount of \$8,210.00 shall be awarded to Plaintiff pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412.

**IT IS FURTHER ORDERED** that if, after receiving the Court's EAJA fee order, the Commissioner (1) determines upon effectuation of the Court's

EAJA fee order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, (2) agrees to waive the requirements of the Anti-Assignment Act, and (3) is provided a valid assignment of fees executed by Plaintiff, the fees will be made payable to Plaintiff's attorney, John E. Seidlitz, Jr., and delivered to:

Seidlitz Law Office  
P.O. Box 1581  
Great Falls, MT 59403-1581

However, if there is a debt owned under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and any remaining EAJA fees, after offset, will be paid by a check made out to Plaintiff, but delivered to Plaintiff's attorney.

DATED this 8th day of October, 2020.



John Johnston  
United States Magistrate Judge